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UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

hib_3015-2b1 (12/09)

| | | | | |
|---|---|---|--|--|
| Debtor Name: Fita Sivia Paolo Address: 85-143 Ala Walua Street, #1, Waianae, HI 96792 | SSN (last 4 digits): 4864 | Case No.: 17-00515 | | |
| It Debtor Name: (if any) Address (if not same as above): | SSN (last 4 digits): | Chapter 13 | | |
| DEBTOR'S MOTION TO MODIFY CONFIRMED PLAN; NOTICE OF HEARING Courtroom – 1132 Bishop Street, Honolulu, Hawaii | Hearing Date: October 28, 2019 Time: 9:30 a.m. | | | |
| | Objections due: October 21, 2019 | | | |
| MOTION | | | | |
| The undersigned hereby moves under 11 U.S.C. § 1329(a) for modification of the plan previously confirmed in this case. The specific changes are described on page 2 for the reasons stated on page 3. All terms of the confirmed plan, including those of any plan motions regarding the valuation of collateral and the avoidance of liens, remain in effect <u>except</u> for the specific changes described in the attached pages. | | | | |
| NOTICE | | | | |
| NOTICE IS HEREBY GIVEN that this motion is scheduled to be heard on the date and time noted above. <u>Your rights may be affected.</u> You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the motion, or if you want the court to consider your views, then you or your attorney must file a statement explaining your position <u>not later than 7 days before the hearing date.</u> Responses must be filed with the court at: United States Bankruptcy Court, District of Hawaii, Suite 250, Honolulu, HI 96813 , and sent to the moving party at the address in the upper left corner of this document. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above. If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may cancel the hearing and grant the motion to modify the plan without further notice. The provisions of the modified plan will bind the debtor(s) and each creditor. | | | | |

| PROPOSED MODIFICATION – PLAN PAYMENTS AND DURATION | | | |
|--|--|-------------------|--|
| | Monthly Payment Amount | Duration (months) | Projected Total Distribution upon Plan Completion* |
| Current Plan | \$1,051/mo. for 13 mos., \$0/mo. for 7 mos., \$1,260/mo. for 40 mos. | 60 | \$ 64,063.00 |
| Proposed Modification starting 09/25/2019 date | see below | 60 | \$ 76,200.00 |
| *Not including any contributions from tax refunds. | Net Increase / (Decrease) in Projected Total Distribution: | | \$ 12,137.00 |
| Further details (e.g., plan being extended 6 months due to missed payments): Plan payments will be modified to \$ 1,051.00 per month for 13 months, \$1,300.00 for 1 month, \$1,280.00 for 1 month, \$1,260.00 per month for 4 months, \$392.00 for 1 month, \$702.00 for 1 month, \$0.00 per month for 7 months, and \$1,631.00 per month for 33 months. | | | |

| PROPOSED MODIFICATION – TREATMENT OF CLASS OR SPECIFIC CLAIM | |
|--|--|
| Current Plan | Class 1: Claim of Bank of America, N.A. for prepetition arrears of \$23,500.00 and claim of Waianae Community Development Association for prepetition arrears of \$11,065.00, both secured by 85-143 Ala Walua St., #1, Waianae, HI 96792. |
| Proposed Treatment | Class 1: Claims of Specialized Loan Servicing, LLC for prepetition arrears of \$22,148.90 and post-petition arrears of \$10,100.00, and claim of Waianae Community Development Association for prepetition arrears of \$10,241.23, all secured by 85-143 Ala Walua St., #1, Waianae, HI 96792. |

| PROPOSED MODIFICATION – OTHER |
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| Description: |

MEMORANDUM

[State relevant facts and legal arguments in support of the modification(s) being proposed – attach additional pages as necessary.]

Section 1329 of the Bankruptcy Code (the "Code") allows a plan to be modified upon the request of the debtor at any time after confirmation and before completion of plan payment to increase or reduce the amount of any payments on claims of a particular class provided for by the plan, extend or reduce the time of such payments, or alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim other than under the plan.

The plan is being modified because the post-petition arrears owed to Specialized Loan Servicing, LLC on the debtor's mortgage loan is being rolled into the plan.

/s/ Donald L. Spafford, Jr.
Debtor / Attorney

Dated: 09/04/2019

/s/ _____
Joint Debtor / Attorney

Dated: _____